



March 25, 2009

Linda Jacobson (1 Original and 2 Copies)
RCRA Project Manager
US EPA Region VIII
8ENF-T
1595 Wynkoop Street
Denver, Colorado 80202-1129

RECEIVED
MAR 30 2009
Office of Enforcement
Compliance & Environmental
Justice

SENT BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Re: Record Notice of Hazardous Waste Management Unit- Asarco East Helena Facility

Dear Ms. Jacobson:

Pursuant to the requirements contained within the CAMU Phase 2 Design Analysis Report, I am enclosing one original and two copies of the Record Notice of Hazardous Waste Management Unit for the East Helena Facility. I have attached to the document the survey map and description of wastes as Exhibit A. I have filed one original document, including attachments, with the Lewis and Clark County Clerk and Recorder.

Sincerely,
A handwritten signature in cursive script, appearing to read "Jon Nickel".
Jon Nickel

Enclosures

After Recording Return To:

Jon Nickel
P. O. Box 1230
East Helena, MT 59635

RECORD NOTICE OF HAZARDOUS WASTE MANAGEMENT UNIT
(CAMU SITE)

THIS RECORD NOTICE OF HAZARDOUS WASTE MANAGEMENT UNIT ("Notice") is executed as of the 24th day of March, 2009, by ASARCO LLC, a Delaware limited liability company, successor by merger to Asarco, Inc. ("ASARCO"), whose address is 5285 East Williams Circle, Suite 2000, Tucson, Arizona, 85711-7711.

RECITALS

A. ASARCO is the owner of an approximately 99.19 acre parcel of real property (the "Site") situated in Lewis and Clark County, Montana, more particularly described on Exhibit A attached hereto and hereby made a part hereof.

B. ASARCO has disposed of and will continue to dispose of various wastes and other materials in and on a portion of the Site, in cells specifically designed for that purpose, which cells are collectively referred to as the "ASARCO East Helena Corrective Action Management Unit" or "CAMU."

C. This Notice is given pursuant to Code of Federal Regulation, Title 40, Section 264.119(b)(1).

NOTICE

NOW, THEREFORE, ASARCO hereby gives notice as follows:

This Notice, upon recordation in the real property records of Lewis and Clark County, Montana, shall constitute notice in perpetuity to potential purchasers and encumbrancers that

- (i) portions of the Site have been used to manage hazardous waste and as a landfill facility;
- (ii) use of that portion of the Site on which each cell or other hazardous waste disposal unit

comprising the CAMU is located is restricted under the regulations contained in the Code of Federal Regulations ("CFR"), Title 40, Part 264, Subpart G; (iii) the survey plat and record of the type, location, and quantity of hazardous waste disposed of within each cell or other hazardous waste disposal unit comprising the CAMU, for which a certification of closure has been submitted, has been filed, and as certification of closure of additional cells or units are submitted, will be filed, with the local zoning authority or the authority with jurisdiction over land use and with the Regional Administrator of the Environmental Protection Agency, as and when required by 40 CFR Sections 264.116 and 264.119(a), at the addresses below:

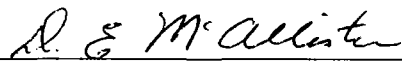
Lewis and Clark County
Clerk and Recorder
316 N. Park
Helena, Montana 59623

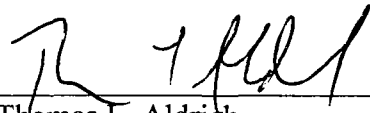
and

United States Environmental Protection Agency
Region VIII
1595 Wynkoop Street
Denver, Colorado 80202-1129

IN WITNESS WHEREOF, ASARCO has executed this Notice as of the date first above written.

ASARCO LLC

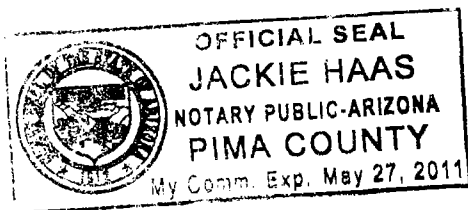
By: 
Douglas E. McAllister
Executive Vice President, General
Counsel and Secretary

By: 
Thomas L. Aldrich
Vice President of Environmental Affairs

ACKNOWLEDGEMENTS ON FOLLOWING PAGE

STATE OF ARIZONA)
) ss:
County of Pima)

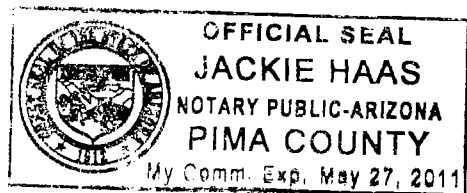
This instrument was acknowledged before me on March 24, 2009, by Douglas E. McAllister as Executive Vice President, General Counsel and Secretary of ASARCO LLC.



Jackie Haas
[Signature of Notary]
Jackie Haas
[Printed Name of Notary]
Notary Public for the State of Arizona
Residing at Tucson, Arizona
[City of Residence]
My commission expires: May 27 2011
[Month Day Year]

STATE OF ARIZONA)
) ss:
County of Pima)

This instrument was acknowledged before me on March 24, 2009, by Thomas L. Aldrich as Vice President of Environmental Affairs of ASARCO LLC.



Jackie Haas
[Signature of Notary]
Jackie Haas
[Printed Name of Notary]
Notary Public for the State of Arizona
Residing at Tucson, Arizona
[City of Residence]
My commission expires: May 27 2011
[Month Day Year]

Exhibit A
to

Record Notice Of Hazardous Waste Management Unit (CAMU Site)
Executed by Asarco LLC

CAMU Site
Lewis and Clark County, Montana

See attached legal description and survey plat

RECORD NOTICE OF HAZARDOUS WASTE MANAGEMENT UNIT
(CAMU SITE)

Record of the type, location, and quantity of hazardous waste disposed of within each cell or other hazardous waste units comprising the CAMU required by 40 CFR 264.116 and 40 CFR 264.119(a)

For Existing Phase 1 cell:

Type of Hazardous Waste

Sediment Cake Dredged from Lower Lake
Construction and Demolition Waste

Location of Hazardous Waste

See Survey Plat, Exhibit A

Quantity of Hazardous Waste

110,019 cubic yards

